

1 Muriel B. Kaplan, Esq. (SBN 124607)  
Michele R. Stafford, Esq. (SBN 172509)  
2 SALTZMAN & JOHNSON LAW CORPORATION  
44 Montgomery Street, Suite 2110  
3 San Francisco, CA 94104  
(415) 882-7900  
4 (415) 882-9287 – Facsimile  
[mkaplan@sjlawcorp.com](mailto:mkaplan@sjlawcorp.com)  
5 [mstafford@sjlawcorp.com](mailto:mstafford@sjlawcorp.com)

6 Attorneys for Plaintiffs

7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 F.G. CROSTHWAITE and RUSSELL E.  
BURNS, in their respective capacities as  
11 Trustees, of the OPERATING ENGINEERS'  
HEALTH AND WELFARE TRUST FUND  
12 FOR NORTHERN CALIFORNIA, et al.;

13 Plaintiffs,

14 v.

15 ECI AGGREGATES, INC., a California  
corporation,

16 Defendant.  
17

Case No.: C11-0353 PJH

**NOTICE OF VOLUNTARY DISMISSAL  
AND ORDER**

18  
19 PLEASE TAKE NOTICE that pursuant to F.R.C.P. Rule 41(a)(1), Plaintiffs F.G.  
20 CROSTHWAITE and RUSSELL E. BURNS, in their respective capacities as Trustees of the  
21 OPERATING ENGINEERS' HEALTH AND WELFARE TRUST FUND FOR NORTHERN  
22 CALIFORNIA, et al., voluntarily dismiss, without prejudice, their claim against Defendant ECI  
23 AGGREGATES, INC., a California Corporation. Defendant has neither served an answer nor  
24 moved for summary judgment, and Plaintiffs have not previously filed or dismissed any similar  
25 action against Defendant.

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1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above-  
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 5th day of December, 2011, at San Francisco, California.

4 SALTZMAN & JOHNSON  
5 LAW CORPORATION

6 By: \_\_\_\_\_/s/  
7 Muriel B. Kaplan  
8 Attorneys for Plaintiffs

9 IT IS SO ORDERED.

10 This case is dismissed without prejudice.

11 Date: 12/6/11 \_\_\_\_\_



PROOF OF SERVICE:

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On December 5, 2011, I served the following document(s):

**NOTICE OF VOLUNTARY DISMISSAL**

on the interested parties in said action by First Class U.S. Mail by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Robert Vaughan  
Agent for Service of Process  
ECI Aggregates, Inc.  
11879 Kemper Road #1  
Auburn, California 95603**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 5th day of December, 2011, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Qui X. Lu